

1 SQUIRE SANDERS (US) LLP
Nathan Lane III (CA Bar No. 50961)
2 Mark C. Dosker (CA Bar No. 114789)
275 Battery Street, Suite 2600
3 San Francisco, CA 94111
Telephone: +1 415 954 0200
4 Facsimile: +1 415 393 9887
e-mail: nathan.lane@squiresanders.com
5 e-mail: mark.dosker@squiresanders.com

6
7 Attorneys for Defendant
TECHNOLOGIES DISPLAYS
8 AMERICAS LLC

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13
14 In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-cv-5944 SC

MDL No. 1917

15 This Document Relates to:

16 *Sharp Electronics Corp., et al, v.*
17 *Hitachi, Ltd. et al.*, Case No. 13-cv-1173 SC
18

**STIPULATION AND ~~[PROPOSED]~~
ORDER APPLYING TERMS OF PRIOR
ORDER TO NEWLY SERVED
DEFENDANT TECHNOLOGIES
DISPLAYS AMERICAS LLC**

19
20
21
22
23
24
25
26
27
28
STIPULATION AND [PROPOSED] ORDER
Case No. 07-cv-5944 SC
MDL No. 1917

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc. (collectively, "Plaintiffs") and the undersigned Defendant have conferred by and through their counsel and, subject to the Court's approval, HEREBY STIPULATE AS FOLLOWS:

WHEREAS, on March 15, 2013, Plaintiffs filed a Summons and Complaint in the Northern District of California, *Sharp Electronics Corp., et al. v. Hitachi, Ltd., et al.*, Case No. 13-cv-1173 (the "Sharp Summons" and the "Sharp Complaint," respectively);

WHEREAS, on March 20, 2013, Plaintiffs filed an Administrative Motion Pursuant to Civil L.R. 3-12 To Consider Whether Cases Should Be Related, identifying *Sharp Electronics Corp., et al. v. Hitachi, Ltd., et al.* as related to *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-cv-5944-SC (MDL No. 1917);

WHEREAS, on March 26, 2013, this Court entered an Order finding that *Sharp Electronics Corp., et al. v. Hitachi, Ltd., et al.* is related to *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-cv-5944-SC (MDL No. 1917).

WHEREAS, on April 23, 2013 Plaintiffs and the undersigned newly served Defendant entered into a stipulation, which was filed with the Court the following morning (ECF 24 in Case No. 13-cv-01173-SC), for the undersigned Defendant to have a 30 day extension of time through and including May 22, 2013 within which to respond to the complaint in this action;

WHEREAS, on April 24, 2013 the Court issued its Order, (ECF 25 in Case No. 13-cv-01173-SC and ECF 1652 in 07-cv-5944-SC / MDL No. 1917) pursuant to stipulation among Plaintiffs and numerous other Defendants, to the same effect as to those other Defendants as is now stipulated to herein as to the undersigned newly served Defendant;

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned Plaintiffs and Defendant, as follows:

1. The Sharp Complaint asserts similar causes of action alleged by the following Direct Action Plaintiff complaints: *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-

STIPULATION AND [PROPOSED] ORDER
Case No. 07-cv-5944 SC
MDL No. 1917

02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396 (N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-05513 (N.D. Cal.) (Nov. 14, 2011); *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Mar. 10, 2011); and *Tech Data Corporation, et al. v. Hitachi, Ltd. et al.*, Case No. 8:12-cv-02795 (M.D. Fla.) (Dec. 11, 2012).

2. The Sharp Complaint seeks damages based on an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for CRTs, as set forth in the Sharp Complaint; the Sharp Complaint does not assert any claims that Defendants have combined and conspired to fix, raise, maintain or stabilize the prices of products containing CRTs (“CRT Finished Products”).

3. On August 17, 2012, various Defendants filed motions to dismiss and for judgment on the pleadings with respect to the following Direct Action Plaintiff complaints (the “Dispositive Motions”): *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396 (N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv05513 (N.D. Cal.) (Nov. 14, 2011); and *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv01656 (N.D. Cal.) (Mar. 10, 2011). (Dkt. Nos. 1316, 1317, 1319).

4. Pending the resolution of the Dispositive Motions, the undersigned Defendant does not need to answer or otherwise respond to the Sharp Complaint. Once the Honorable

Samuel Conti rules on the Dispositive Motions, the parties agree to set a reasonable deadline for Defendant's answers and/or a reasonable briefing schedule for Defendant's motions to dismiss Sharp's Complaint.

5. The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

IT IS SO STIPULATED.

Dated: May 14, 2013

SQUIRE SANDERS (US) LLP

By: /s/ Mark C. Dosker
Mark C. Dosker

Attorneys for Defendant
TECHNOLOGIES DISPLAYS
AMERICAS LLC

Dated: May 14, 2013

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Craig A. Benson
Craig A. Benson

Attorneys for Plaintiffs
SHARP ELECTRONICS CORP., et al

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 05/14/2013

